

ESTTA Tracking number: **ESTTA128525**Filing date: **03/07/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Bayview Financial LP Bayview Financial LP
Granted to Date of previous extension	03/07/2007
Address	4425 Ponce de Leon Blvd., 4th Floor Miami, FL 33146 UNITED STATES
Party who filed Extension of time to oppose	Bayview Financial LP
Relationship to party who filed Extension of time to oppose	The name of the opposer is the same as the name of the company -- both are "Bayview Financial LP"

Attorney information	Gregory L. Mayback Mayback & Hoffman, P.A. 5722 S. Flamingo Road #232 Fort Lauderdale, FL 33330 UNITED STATES greg@mayback.com Phone:954.704.1599
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**Applicant Information**

Application No	78829896	Publication date	11/07/2006
Opposition Filing Date	03/07/2007	Opposition Period Ends	03/07/2007
Applicant	Bayview Management, LLC 17 West Pennsylvania Avenue Towson, MD 21204 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 2005/05/00 First Use In Commerce: 2005/05/00  
All goods and services in the class are opposed, namely: Commercial and Residential Real Estate Property Management

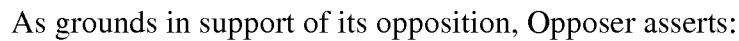
Attachments	Notice of Opposition Final.pdf ( 6 pages )(42105 bytes )
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Signature	/gregory l. mayback/
Name	Gregory L. Mayback

Date	03/07/2007
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BAYVIEW FINANCIAL, L.P.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No.
	)	
BAYVIEW MANAGEMENT, LLC	)	
	)	
Applicant	)	
	)	

Opposer, Bayview Financial L.P., a Delaware Corporation, with a business address of 4425 Ponce De Leon Blvd., 4th Floor, Coral Gables, Florida 33146, hereby opposes registration



1. Opposer, for several years, and prior to any date of first use upon which Applicant can



rely, has adopted and continuously used the mark (referred to herein as the “Sailboat Design”) as a trademark for real estate land development, business consultation services related to mortgage loan transfers, acquisitions, valuations, securitizations and servicing, and mortgage loan servicing right transfers, acquisitions and valuations; advisory services related to mergers and acquisitions of financial institutions and mortgage assets; real estate sales management, mortgage lending services, loan servicing and loan loss mitigation, mortgage acquisition and securitization; mortgage brokerage services; financial services, namely providing qualified intermediary services in 1031 exchanges, financial advice and consultation related to mortgage loan transfers, mortgage loan acquisitions, mortgage loan valuations and mortgage loan securitizations; mortgage loan servicing; mortgage loan brokerage services; commercial and residential real estate acquisition, operations, and management. Opposer is the owner of Application Serial No. 76/651,840 for the Sailboat Design mark. This application was filed on December 5, 2005, is current, and is based on a first use in commerce of June 30, 2004.

2. Opposer, for several years, and prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark BAYVIEW FINANCIAL as a trademark for merger and acquisition consultation in the field of business, business marketing consultation services for others, in the field of the mortgage banking industry, mortgage banking affinity marketing services, namely, promoting the services of companies providing services and products to the mortgagors through the distribution of printed and electronic promotional

materials, and for mortgage acquisition and securitization, mortgage brokerage services, and hedging advisory services and financial portfolio management. This mark was registered on the Principal Register on January 30, 2001, with Registration No. 2,424,566, is current, and is based on a first use in commerce of December 5, 1994. This mark became Incontestable (as defined under 15 U.S.C. § 1065) at least as early as May 3, 2006.


3. Opposer, for several years, and prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark BAYVIEW FINANCIAL ADVISORY SERVICES as a trademark for business consultation services related to -- (a) mortgage loan transfers, acquisitions, valuations, securitizations and servicing, and (b) mortgage loan servicing right transfers, acquisitions and valuations and for financial advice and consultation related to mortgage loan transfers, mortgage loan acquisitions, mortgage loan valuations and mortgage loan securitizations, mortgage loan servicing, advisory services related to mergers and acquisitions of financial institutions and mortgage assets, and mortgage loan brokerage services. This mark was registered on the Principal Register on March 2, 2004, with Registration No. 2,819,187, is current, and is based on a first use in commerce of July 26, 2001.

4. Opposer, for several years, and prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark BAYVIEW FINANCIAL as a trademark for mortgage lending services, loan servicing and loan loss mitigation, financial services, namely providing qualified intermediary services in 1031 exchanges, financial advice and consultation related to mortgage loan transfers, mortgage loan acquisitions, mortgage loan valuations and mortgage loan securitizations; mortgage loan servicing and for commercial and residential real

estate acquisition, operations, management, transactions and listings; mortgage loan transfers, acquisitions, valuations, securitizations and servicing, mortgage loan servicing right transfers, acquisitions and valuations, mortgage brokerage. Opposer is the owner of Application Serial No. 78/768,706 for the mark BAYVIEW FINANCIAL. This application was filed on December 7, 2005, is current, and is based on a first use in commerce of December 5, 1994.

5. The BAYVIEW FINANCIAL, BAYVIEW FINANCIAL ADVISORY SERVICES, and BAYVIEW FINANCIAL marks are collectively referred to as the “BAYVIEW Marks.”





6. Applicant has filed an application to register the mark , which is a design of a sailboat in addition to the words BAYVIEW MANAGEMENT for commercial and residential real estate property management. The application for this mark was filed on March 6, 2006, and Applicant alleges a first use in commerce of May 2005. That application was assigned Serial No. 78/829,896.

7. Bayview Financial, L.P., is a provider of, *inter alia*, commercial and residential real estate property management, acquisition, and operations.

8. Bayview Financial, L.P.’s Sailboat Design is an arbitrary mark and is, thus, entitled to a broad scope of protection.



9. The mark  and the mark  are substantially similar in appearance, connotation, and create the same commercial impression, especially in view of the similarity in services.

10. The BAYVIEW MANAGEMENT mark and each of the BAYVIEW Marks are substantially similar in appearance, connotation, and create the same commercial impression, especially in view of the similarity in services.

11. The services offered in conjunction with both marks are almost identical, namely:

commercial and residential real estate acquisition, operations, and management (Opposer);


commercial and residential real estate property management (Applicant).

12. Applicant's mark so resembles Opposer's previously used and filed marks as to be likely, when applied to the services set forth in Applicant's application, to cause confusion or mistake or to deceive potential consumers into believing that Bayview Management, LLC, is affiliated with, sponsored, authorized, approved, sanctioned, or licensed by Bayview Financial, L.P., within the meaning of Section 2(d) of the Trademark Act, all to Bayview Financial, L.P.'s harm, damage, and injury.

WHEREFORE, Opposer Bayview Financial, L.P., respectfully requests that the opposition be sustained and that registration to the Applicant be refused.

Respectfully submitted,

BAYVIEW FINANCIAL, L.P.

By:   
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Gregory L. Mayback  
FL Bar No.: 964247  
Attorney for Opposer Bayview Financial, L.P.